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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,328

03/06/2001

Peter V. Radatti

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4646

7590

12/17/2003

CyberSoft, Inc.,  
1508 Butler Pike  
Conshohocken, PA 19428-1322

EXAMINER

JACKSON, JENISE E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 12/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,328

Applicant(s)

RADATTI ET AL.

Examiner

Jenise E Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franczek et al. in view of Ji and Microsoft Computer Dictionary.
3. As per claim 4, Franczek et al. discloses an apparatus of processing secure code transmitted through a communications channel(see col. 2, lines 56-67), a decryption component(see col. 11, lines 48-50); and a proscribed code scanner(see col. 11, lines 48-51), and code to the decryption component for decryption and scanning by the proscribed code scanner(see col. 11, lines 48-51). Franczek et al. does not disclose a protocol parser intercepting secure code being transmitted through the communications channel.
4. Ji et al. discloses protocol parser(44) intercepting secure code being transmitted through the communications channel(see fig. 2, sheet 2, col. 7, lines 29-50). Although, Ji et al. discloses a protocol parser Ji et al. does not provide motivation to use a parser. The Examiner looks towards Microsoft Computer Dictionary to provide motivation. Thus, it would have been obvious to include Ji et al. and Microsoft Computer Dictionary protocol parser, with the system of Franczek et al., the motivation is that a parser breaks input into smaller chunks so that a program can act upon the information(see pg. 292 of Microsoft).

5. As per claim 5, Franczek discloses encryptor, wherein the code after being processed by the proscribed code scanner, may be reencrypted by the encryptor(see col. 11, lines 44-53).
6. As per claims 6-7, further includes an SSL decryptor, and S/MIME are inherently disclosed because Franczek discloses encryption/decryption of packets(see col. 7, lines 45-63) .
7. As per claim 8, rejected under the same basis as claim 4, and further Franczek discloses providing an indicator for the presence of the proscribed code(see col. 11, lines 48-53).
8. As per claim 9, Franczek discloses reencrypting the code if the indicator is negative(see col. 11, lines 44-53).
9. As per claim 10, Franczek discloses further indicating the presence of the proscribed code if the indicator is positive(see col. 9, lines 23-33, col. 11, lines 44-53).
10. As per claim 11, Franczek discloses wherein the step of decrypting the code is preceded by the step of intercepting the code prior to decrypting the code(see col. 11, lines 44-53).
11. As per claim 12, rejected under the same basis as claim 1 and 8.
12. As per claim 13, rejected under the same basis as claim 6.
13. As per claim 14, rejected under the same basis as claim 7.
14. As per claim 15, rejected under the same basis as claim 9.
15. As per claim 16, rejected under the same basis as claim 10.
16. As per claim 17, is rejected under the same basis as claim 12.

### ***Conclusion***

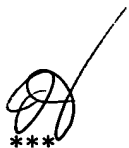
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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December 8, 2003



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